

House Engrossed

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

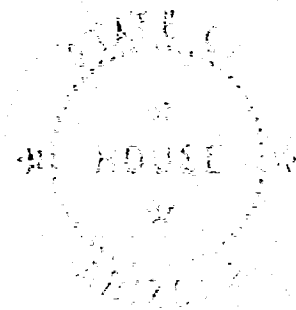
CHAPTER 128

# HOUSE BILL 2222

AN ACT

AMENDING SECTIONS 40-441 AND 40-442, ARIZONA REVISED STATUTES; RELATING TO  
PIPELINE SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 40-441, Arizona Revised Statutes, is amended to  
3 read:

4 40-441. Commission safety regulations, rules and orders;  
5 definitions

6 A. For the purpose of providing state control over safety standards  
7 and practices applicable to the transportation of gas and hazardous liquids  
8 and gas and hazardous liquids pipeline facilities within the state to the  
9 full extent permissible under the federal natural gas pipeline safety act of  
10 1968, as amended, and the hazardous liquid pipeline safety act of 1979, as  
11 amended, LAW THAT IS APPLICABLE TO NATURAL GAS AND HAZARDOUS LIQUID GAS  
12 PIPELINES, the commission shall be vested with the authority to prescribe and  
13 SHALL adopt by regulation, rule or order appropriate safety standards for all  
14 such transportation of gas and hazardous liquids and gas and hazardous  
15 liquids pipeline facilities, including both privately owned and public, which  
16 are not subject to exclusive federal control. Upon the adoption of such  
17 regulations, rules or orders, the commission shall from time to time make  
18 certifications and reports and take any other necessary action in accordance  
19 with section 5(a) of the federal natural gas pipeline safety act of 1968, as  
20 amended, and section 205(a) of the federal hazardous liquid pipeline safety  
21 act of 1979, as amended INTRASTATE CERTIFICATIONS AND INTERSTATE AGENT  
22 AGREEMENTS UNDER FEDERAL PIPELINE SAFETY LAWS (49 UNITED STATES CODE,  
23 SUBTITLE VIII, CHAPTER 601).

24 B. All terms used in this article which THAT are defined in the  
25 federal natural gas pipeline safety act of 1968, as amended, and the  
26 hazardous liquid pipeline safety act of 1979, as amended, LAWS (49 UNITED  
27 STATES CODE, SUBTITLE VIII, CHAPTER 601) shall have the definitions set forth  
28 in such THAT act.

29 Sec. 2. Section 40-442, Arizona Revised Statutes, is amended to read:

30 40-442. Civil penalty for violation; deduction; other remedies

31 A. Any person, firm or corporation that violates any provision of this  
32 article or any rule or order adopted pursuant to this article pertaining to  
33 the safety of the transportation of gas and hazardous liquids and pipeline  
34 facilities shall be subject to a civil penalty of not to exceed ten ONE  
35 HUNDRED thousand dollars for each violation with each day constituting a  
36 separate violation. In no event shall The maximum civil penalty SHALL NOT  
37 exceed five hundred thousand ONE MILLION dollars for any related series of  
38 violations.

39 B. Any civil penalty pertaining to gas and hazardous liquid pipeline  
40 safety may be compromised by the commission. In determining the amount of  
41 the penalty, or the amount agreed upon in compromise, the appropriateness of  
42 the penalty to the size of the business of the person, firm or corporation  
43 charged, the gravity of the violation and the good faith of the person, firm  
44 or corporation charged in attempting to achieve compliance, after  
45 notification of a violation, shall be considered. The amount of the penalty,

1 when finally determined, or the amount agreed upon in compromise, may be  
2 deducted from any sums owing by the state to the person, firm or corporation  
3 charged or may be recovered in a civil action in the superior court of this  
4 state.

5 C. All monies collected from civil penalties assessed pursuant to this  
6 article and any fines collected by the commission in enforcing this article  
7 and rules relating to pipeline safety shall be deposited, pursuant to  
8 sections 35-146 and 35-147, in the state general fund.

9 D. The commission may avail itself of any other authority or remedies  
10 available under the Constitution of Arizona and this chapter to effect the  
11 purpose of this article, including the provisions of article 9 of this  
12 chapter.

APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.

Passed the House February 28, 20 05

by the following vote: 44 Ayes,

15 Nays, 1 Not Voting

  
Speaker of the House

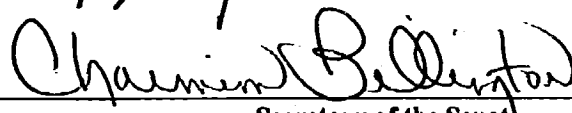
  
Chief Clerk of the House

Passed the Senate April 12, 20 05

by the following vote: 19 Ayes,

11 Nays, 0 Not Voting

  
President of the Senate

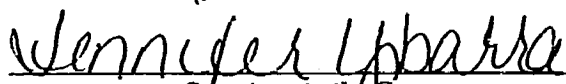
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 20 05

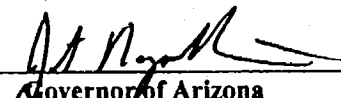
at 12:00 o'clock P. M.

  
Secretary to the Governor

Approved this 18 day of

April, 20 05,

at 1:50 o'clock P. M.

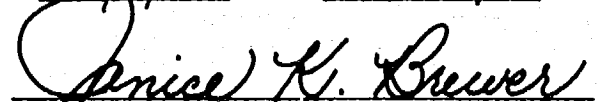
  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 20 05,

at 4:42 o'clock P. M.

  
Secretary of State